THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2960 of 1998

Dated:28.3.2007

Between
J.Bhanu Murthy

.....Petitioner

and

1.The Divisional Marketing Officer
AP State Handloom Weavers
Cooperative Society Limited,
Visakhapatnam district and another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2960 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not reinstating the petitioner into service pending enquiry as arbitrary and illegal.

It is the case of the petitioner that he was appointed on 1.10.1973 as Assistant Sales Man in the respondent-Andhra Pradesh State Handloom Weavers Co-operative Society Limited and posted to Anakapalli. Subsequently, he was transferred to Chodavaram as a Sales Man in November, 1996. While that being so, on 26.11.1996, the petitioner was suspended on the ground that he has unauthorizedly reduced the price of the

stock during the period 1995-96 which resulted in misappropriation of an amount of Rs.78,925.30ps. Subsequently, he was issued a charge memo by an antedate as 05.11.1996. It is the case of the petitioner that the provisions of Section 47 (6) of the Andhra Pradehs Shops and Establishments Act is applicable to his case. As per the said Section, any person can be kept under suspension pending enquiry and during that suspension period, he shall be paid 50% subsistence allowance for the first six months and 75% of the last drawn wages from the seventh month of the suspension till the 12th month. Further, the employee cannot be kept under continued suspension for more than one year and if he is kept under suspension beyond one year he is entitled for full salary.

It appears that during pendency of the writ petition, an interim order was passed directing the respondents to pay full salary towards subsistence allowance as per Section 47 (6) of

the Andhra Pradesh Shops and Establishments Act.

Thereafter, the respondents filed counter stating that the petitioner has been reinstated into service revoking the suspension order.

In view of the same, nothing survives for adjudication in the writ petition and the same is liable to be dismissed.

Accordingly, writ petition is dismissed. No costs.

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28-03-2007

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